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May 13, 1997

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Mr. Scott Francis, Reports Analyst  
Reports Analyst Division  
Federal Election Commission  
999 E Street, N.W.  
Washington D.C. 20463

Identification Number: C00327221  
Re: Statement of Organization dated 4/24/97

Dear Mr. Francis:

Thank you for your May 7, 1997 letter regarding the preliminary review of the Statement of Organization.

The Pojoaque Pueblo Independent Political Action Committee (PAC) was authorized by the Governor of the Pueblo of Pojoaque. The Pueblo of Pojoaque is a federally recognized Indian tribe. During the course of setting up the Pojoaque Pueblo Independent PAC, I made several calls to the FEC. It seems that there is much confusion as to whether an Indian tribe must set up a PAC. As you probably know, the term "Indian" is a political, not a racial, designation. I also direct your attention to the FEC's September 1, 1978 AO 1978-51 Opinion. It states that if a certain amount of political donations are made "... the [Indian] Community would itself become a "political committee" subject to the registration and reporting requirements of 2 U.S.C §433 and §434". This opinion indicates that a tribe would not even have to set up an independent committee.

Therefore, I will leave it to your discretion as to whether the Pueblo of Pojoaque is an affiliated or connected organization. For your determination, I include the following facts: All funds not used during the special election shall be returned to the Pueblo of Pojoaque; the Pueblo of Pojoaque is governed by a Tribal Council and is not incorporated; the current Governor is Jacob Viamal, Rt. 11 Box 71 D, Santa Fe, New Mexico 87501. Also, the special election for the Pojoaque Pueblo Independent PAC is today, May 13, 1997. Therefore, the committee shall be filing its final report with the FEC this week.

I realize that this explanation may be confusing, however, it does not seem that the FEC has addressed the issues concerning Indian tribes and political committees.

Mr. Francis, I appreciate our phone call of May 13, 1997 at approximately 11:20 a.m. MST. Based on your recommendation, I am requesting that "None" be placed on Line 6 of the Statement of Organization.

If you have any questions, please feel free to contact us at (505) 455-2271.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Demolli".

Frank Demolli  
General Counsel  
Pueblo of Pojoaque Independent PAC

A handwritten signature in black ink, appearing to read "Joseph Jacob Viarrial".

Joseph Jacob Viarrial  
Treasurer  
Pueblo of Pojoaque Independent PAC



FEDERAL ELECTION COMMISSION  
WASHINGTON, D. C. 20461

RQ-1

MAY 7 1997

Joseph J. Viarrial, Treasurer  
Pojoaque Pueblo Independent  
Political Action Committee  
Rt. 11 Box 21B  
Santa Fe, NM 87501

Identification Number: C00327221

Reference: Statement of Organization dated 4/24/97

Dear Mr. Viarrial:

This letter is prompted by the Commission's preliminary review of your Statement of Organization. The review raised questions concerning certain information contained in the Statement. An itemization follows:

-Any affiliated or connected organization must be identified on your Statement of Organization. For further guidance on affiliated committees and connected organizations, please refer to 11 CFR §§100.5(g) and 100.6. If there are no other committees or organizations with which you share control or financing, please indicate "None" on Line 6. If you do share control or financing with other committees or organizations, please list their names, addresses, and relationships on Line 6. 11 CFR §102.2

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 219-3580.

Sincerely,

Scott Francis  
Reports Analyst  
Reports Analysis Division

**Federal Election Commission**  
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*RLS*

PREPARER

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